IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.440 OF 2007

Vishwas R. Laghate ...Appellant

vs.

M/s.A.H.Wheeler & Co.Pvt.Ltd. & Anr. ...Respondents

Mr.Rajendra Mishra for the Appellant
Mr.Sachindra Shetye for Respondent No.2

CORAM: A.S.OKA,J.
DATE : JUNE 14, 2007.

P.C.:

1. After arguing the Appeal for some time, the learned Advocate for the Appellant states that the Appellant may be permitted to withdraw the suit with liberty to institute a fresh suit in respect of the subject matter of the said suit. He submitted that the present suit may fail as a result of a formal defect. Therefore, the Appellant wants to withdraw the suit. He prays that ad-interim relief may be continued for a period of four weeks from today to enable the Appellant to take appropriate steps. The learned Counsel for the Respondents opposed the prayer made for continuation of ad-interim relief. He invited my attention to the finding recorded by the Trial Court on the conduct of the Appellant.

2. Considering the facts and circumstances of the case, prayer made by the Advocate for the Appellant deserves to be granted. However, protection will be continued for a limited

time.

3. Hence, I pass the following order :

i) The Appellant is permitted to withdraw the S.C.Suit No.4098 of 2006 with liberty to institute a fresh suit in respect of the subject matter of the said suit.

ii) For a period of two weeks from today, parties will maintain status quo as of today.

iii) It is made clear that the prayer of ad-interim/interim relief which may be made by the Appellant in the fresh suit, if instituted, will be considered without being influenced by a limited ad-interim relief granted by this Court.

iv) The Trial Court will pass a formal order on the suit on production of an authenticated copy of this order.

v) Appeal is disposed of with no order as to costs.

JUDGE